

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
Vs.)	No. 4:15 CR 00049-003 CDP (DDN)
)	
NIHAD ROSIC,)	
)	
Defendant.)	

**DEFENDANT ROSIC’S MOTION TO DISMISS PURSUANT TO
FEDERAL RULE OF CRIMINAL PROCEDURE 12(b)(3)(B)**

Comes now Defendant, Nihad Rosic, by and through counsel, and for his Motion to Dismiss pursuant to Federal Rule of Criminal Procedure 12(b)(3)(B), states as follows:

On February 5, 2015, the Government filed its Indictment in this case (Document 1) in three (3) Counts, to-wit: Count I, Conspiracy to Provide Material Support for Terrorists; Count II, Conspiracy to Kill and Maim Persons in a Foreign County; and Count III, Providing Material Support to Terrorists. Defendant is named in each of the three Counts.

The Indictment does not specify the nature of the conduct that was found by the grand jury to have constituted the elements of the offenses set forth in Counts I, II and III including, but not limited to the “specific intent” requirement of 18 U.S.C. § 2339A, and thereby fails to provide sufficient notice for Defendant Rosic to prepare a defense. The present Indictment thus denies Mr. Rosic his Constitutional rights to due process, equal protection, effective assistance of counsel, as well as the right to present a defense and to

be informed of the nature and cause of the accusation against him pursuant to the Fifth and Sixth Amendments.

WHEREFORE, for the foregoing reasons, Defendant prays that this Honorable Court dismiss the Indictment against him.

Respectfully submitted,

/S/ JoANN TROG

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2015, the foregoing was filed electronically with the Clerk of the Court to be served upon Matthew Drake, Kenneth Tihen and Howard Marcus, Assistant United States Attorneys, 111 South 10th Street, 20th Floor, St. Louis, Missouri 63102 and Mara M. Kohn, Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, DC 20530.

/S/ JoANN TROG